

Notice of Allowability	Application No.	Applicant(s)	
	10/053,416	CLAREMONT ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/15/06.
2. ☒ The allowed claim(s) is/are 2-4, 7, 9-11, 14, 16-18, 21-24, 27-29 and 32-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

DETAILED ACTION

Claims 2-4, 7, 9-11, 14, 16-18, 21-24, 27-29, and 32-34 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney John Guay on August 17, 2006.

The application has been amended as follows:

Claims 1, 5, 6, 8, 12, 13, 15, 19, 20, 26, 31, and 36 are hereby cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in a continuing application.

In claim 2, "The method as set forth in claim 1" is hereby amended to **"The method as set forth in claim 7"**.

In claim 3, "The method as set forth in claim 1" is hereby amended to **"The method as set forth in claim 7"**.

In claim 4, "The method as set forth in claim 1" is hereby amended to **"The method as set forth in claim 7"**.

In claim 7, in the seventh line, "at least one of the consumable" is hereby amended to **"at least one of the consumables"**.

In claim 9, "The method as set forth in claim 8" is hereby amended to **"The method as set forth in claim 14"**.

In claim 10, "The method as set forth in claim 8" is hereby amended to **"The method as set forth in claim 14"**.

In claim 11, "The method as set forth in claim 8" is hereby amended to **"The method as set forth in claim 14"**.

In claim 14, in the ninth line, "at least one of the consumable" is hereby amended to **"at least one of the consumables"**.

In claim 16, "The method as set forth in claim 15" is hereby amended to **"The method as set forth in claim 21"**.

In claim 17, "The method as set forth in claim 15" is hereby amended to **"The method as set forth in claim 21"**.

In claim 18, "The method as set forth in claim 15" is hereby amended to **"The method as set forth in claim 21"**.

At the end of claim 22, the period after "peripheral device" is hereby replaced by a comma, and followed by **"and the distributing further comprises allocating the at least a portion of the payment to the retailer that sold the peripheral device."**

At the end of claim 27, the period after "peripheral device" is hereby replaced by a comma, and followed by **"and the distributing further comprises allocating the at least a portion of the payment to the retailer that sold the peripheral device."**

At the end of claim 36, the period after “retrieved information” is hereby replaced by a comma, and followed by **“and the distributing further comprises allocating the at least a portion of the payment to the retailer that sold the peripheral device.”**.

Allowable Subject Matter

Claims 7 and 2-4 are allowed.

Claims 14 and 9-11 are allowed.

Claims 21 and 16-18 are allowed.

Claims 22-24 are allowed.

Claims 27-29 are allowed.

Claims 32-34 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Hayward et al. (U.S. Patent 6,629,134), discloses a method comprising: displaying with a device a status of at least one consumable in the device, and information about ordering at least one of the consumables when at least one condition occurs (Figures 3 and 4; column 5, line 10, through column 6, line 4); monitoring with the device for an input indicating that an order for at least one of the consumables has been placed (column 7, line 67, through column 8, line 38); and submitting with the device the order for at least one consumable to a supplier if the monitored input indicates an order should be placed (column 7, line 67, through column 8, line 38). Hayward does not expressly disclose displaying the status of a plurality of consumables at one time, but does disclose displaying the status of various

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consumables, such as paper and magenta ink (column 5, line 10, through column 6, line 4). Hayward does not disclose that the monitoring and submitting are performed by the peripheral device, but Haines et al. (U.S. Patent Application Publication 2003/0074268) teaches the peripheral device submitting the order (Abstract; paragraph 8; claim 1), and teaches configuring the peripheral device and coordination of orders over a group of peripherals or over time (paragraphs 54 and 55). Hayward discloses (as per claim 6, etc.) determining a distribution of at least a portion of the payment based on the retrieved information (column 8, lines 60-68). However, Hayward does not disclose that the retrieved information identifies a retailer that sold the device, and neither Hayward, Haines et al. (U.S. Patent Application Publication 2002/0072998), nor any other prior art of record discloses that determining the distribution allocates the at least a portion of the payment to the identified retailer. (This statement is made with particular reference to claim 7, but the other potentially allowable claims are allowable on essentially the same grounds.)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harper (U.S. Patent 7,031,933) discloses a process for setting

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and storing ordering preferences and profile data locally. Haines et al. (U.S. Patent 7,043,523) disclose a self-adjusting consumable order-assistance system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-272-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen
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PRIMARY EXAMINER

August 17, 2006